

**SUBJECT:** Considering a D rating as unacceptable for public school accountability

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 8 ayes — Dutton, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, VanDeaver

4 nays — Allen, M. González, Meza, Talarico

1 absent — Lozano

**WITNESSES:** For — Ruth Torres; (*Registered, but did not testify:* Veronica Garcia, Good Reason Houston; Starlee Coleman, Texas Public Charter Schools Association, Thomas Parkinson)

Against — Brian Woods, Texas Association of School Administrators and Northside ISD; Dee Carney, Texas School Alliance; (*Registered, but did not testify:* Andrea Chevalier, Association of Texas Professional Educators; Julia Grizzard, Bexar County Education Coalition; Jodi Duron, Elgin ISD; Charles Gaines, Raise Your Hand Texas; Hillary Lilly, San Antonio ISD; Grover Campbell, TASB; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Ann Williams, Texas Caucus of Black School Board Members; Mark Terry, Texas Elementary Principals and Supervisors Association; Laura Atlas Kravitz, Texas State Teachers Association)

On — (*Registered, but did not testify:* Jeff Cottrill, Eric Marin, and Von Byer, Texas Education Agency)

**BACKGROUND:** Education Code sec. 39.054 establishes that an overall or domain performance rating of D reflects performance that needs improvement and an overall or domain performance of F reflects unacceptable performance.

**DIGEST:** CSHB 3731 would revise provisions in public school accountability performance ratings and specify certain effects of a performance rating of D. The bill would require a school district, charter school, or campus

assigned a D rating to develop and implement a local improvement plan.

**District and campus ratings.** CSHB 3731 would treat a district or campus overall performance rating of D as follows:

- a reference in law to an acceptable performance or acceptable performance rating of a district, open-enrollment charter school, or district or charter school campus would include an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district, charter school, or campus had not received either an overall performance rating of F or two or more overall performance ratings of D;
- a performance rating of D that satisfied those requirements would be considered performance that needed improvement; and
- a reference in law to an unacceptable performance or unacceptable performance rating would include a performance rating of D that did not satisfy those requirements.

*Transition period.* The bill would add a transition period set to expire September 1, 2027, for purposes of determining the performance rating history of an applicable district, campus, or charter school.

For an overall performance rating issued in 2017-2018 or a prior school year, the following equivalencies would apply:

- an overall rating of met standard, academically acceptable, recognized, exemplary, A, B, or C would be considered as a performance rating of C or higher, and
- an overall rating of improvement required, academically unacceptable, or F would be considered as a rating of F.

*Ratings pause.* The bill would provide for a pause in applicable accountability interventions or sanctions if those interventions or sanctions were based on the first or second overall performance rating of D by a district, campus, or charter school since previously receiving a rating of C or higher. Under those circumstances, the Texas Education

Agency (TEA) would be prohibited from implementing certain interventions or sanctions until another performance rating was issued. Such a pause also would be applied to revocation of a charter, annexation of an academically unacceptable school district, and a change in district accreditation.

The bill would establish that a first or second overall performance rating of D that triggered an interventions pause could not be included in calculating consecutive years of an unacceptable performance rating and would not be considered a break in consecutive school years of an unacceptable performance rating. Interventions or sanctions implemented prior to the pause would continue during the school year for which D ratings were paused.

**Local improvement plan.** CSHB 3731 would require a district, charter school, or campus assigned a rating of D that qualified as a rating of needs improvement under the bill criteria to develop and implement a local improvement plan. The plan would have to be presented to the district board of trustees or charter school governing board, as applicable.

The education commissioner would have to adopt rules to establish requirements for plan components and training. The commissioner would be prohibited from requiring a district or charter school to submit the plan to TEA.

**Other provisions.** The bill would repeal statutory provisions that require a district or campus assigned an overall or domain performance rating of D to develop and implement a targeted improvement plan. Also repealed would be provisions requiring the commissioner to take certain actions for each consecutive school year thereafter in which the district or campus was assigned an overall performance rating of D.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS  
SAY:**

CSHB 3731 would clarify how schools that receive a D rating are addressed under the public school accountability system. By treating a D rating the same as an F rating, the bill would alert school officials and the public to schools that need improvement to better serve their students, many of whom are from low-income, minority neighborhoods that have long been poorly served by underperforming schools. The bill would create a two-year pause in interventions for D-rated schools to allow them time to make adjustments in their teaching and curriculum to close achievement gaps and improve student performance. Those that made such strides could avoid closure or takeover by the state.

The bill would ensure that plans to improve a campus were developed locally, rather than by the state, and adopted by a district's board of trustees or a charter school's governing board.

**CRITICS  
SAY:**

CSHB 3731 would cause instability in the school accountability system by increasing the number of unacceptable campuses, including retroactively classifying many campuses from D to F. This could make these schools and districts susceptible to a state takeover based on a flawed system of assigning letter grades based largely on student test scores. The bill would compound the emphasis by penalizing D campuses as though they received an F.